

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

- (1) Suit No. 1903 of 1988
with
(2) Suit No.1730 of 1988
and
(3) Suit No. 1823 of 1988

Voltas Limited ..Plaintiffs

vs.

Metal Tube and Rolling Mills
and others ..Defendants

Mr.Avinash Joshi i/b M/s Mulla and Mulla for
plaintiffs.
Mr.Vikas Mahangare for defendants.

CORAM: S.C.DHARMADHIKARI J
29th October, 2007

P.C.

1. These three suits which are placed before me today, it must be stated that, are part of a group of suits involving the same plaintiffs and defendants.

2. Each one of them has been settled and/or agreed to be disposed of as per the terms which have been tendered in writing.

3. In these three suits as well, the defendants are submitting to a decree on admission in terms which are recorded by consent. The plaintiff is a limited company whereas defendant no.1 is a firm.

Its partners and all concerned therewith have agreed that the claim of the plaintiffs be decreed to the extent indicated in the terms. Even the plaintiffs have agreed to accept the sums set out in the consent terms provided they are paid within the time stipulated in the terms. They are also agreeable to accept the post dated cheques. The defendants undertake to this Court that the postdated cheques would be honoured on the dates which are mentioned therein as due date. Further, if the cheques are honoured the suits would stand disposed of in as much as the claims would be marked satisfied.

4. In case of default, the suit stands decreed as prayed. Thereupon the plaintiffs will be at liberty to recover the sums and/or balance thereof by executing the decree in accordance with law.

5. I am informed that the consent terms are drawn after several meetings and prolonged negotiations at which all the partners of the concerned firms were present and/or duly represented. Although the terms are signed by some of the partners who are ladies in Gujarati, it is informed by the counsel appearing for both sides that the terms have been duly explained with all their implications and

consequences to the partners and other concerned. It is in such circumstances, that I am satisfied that the consent terms tendered fully demonstrate the intent of the parties to put an end to the dispute amicably.

6. Leave to amend granted. Amendment to be carried out within one week from today. All the consent terms are taken on record and marked "X" for identification in respective suits. Order in terms of the consent terms at X. Refund of Court fee as per rules.

(S.C.DHARMADHIKARI J.)